

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER SAINT LOUIS
CONSTRUCTION LABORERS
WELFARE FUND, et al.,

Plaintiffs,

vs.

ROBERT R. LABARGE, an individual
d/b/a LABARGE CONCRETE,

Defendant.

Case No. 4:13CV01258 AGF

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' Motion for an order to compel Defendant Robert R. LaBarge to appear for a postjudgment deposition on February 11, 2014, at 10:00 a.m. Plaintiffs filed this action on July 2, 2013, under § 301 of the Labor Management Relations Act, 29 U.S.C. § 185, and the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1132, to recover delinquent fringe benefit contributions allegedly owed to the Plaintiff employee benefit funds. On November 26, 2013, the Court entered default judgment in favor of Plaintiffs in the amount of \$408.86, plus fees and costs of approximately \$2,000.

Plaintiffs' motion to compel is accompanied by an affidavit by counsel for Plaintiffs that on November 27, 2013, in an attempt to further collection efforts, he mailed a notice of deposition pursuant to Federal Rule of Civil Procedure 69, requiring LaBarge's attendance at the office of Plaintiffs' counsel on January 3, 2014 at 11:00 a.m. and the production of

certain documents. Counsel further declares that LaBarge failed to appear or produce the documents requested. LaBarge has not responded to Plaintiffs' present motion to compel him to appear for a post-judgment deposition, and to produce the requested documents, at the office of Plaintiffs' counsel on February 11, 2014 at 10:00 a.m.

Plaintiffs are entitled to the relief sought. The Court cautions LaBarge that if he fails to comply with this Order, the Court has authority to award sanctions for contempt, including monetary fines and the issuance of a writ of body attachment and incarceration until the contempt is purged. *See, e.g., Painters Dist. Council No. 2 v. Paragon Painting of Missouri, LLC*, No. 4:08CV01501 ERW, 2011 WL 3891870,*1 (E.D. Mo. Sept.1, 2011).

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' motion for an order to compel Defendant Robert R. LaBarge to appear for a postjudgment deposition on **February 11, 2014, at 10:00 a.m.** is **GRANTED**. (Doc. No. 10.)

IT IS FURTHER ORDERED that Robert R. LaBarge is ordered to appear for a postjudgment deposition on **February 11, 2014, at 10:00 a.m.** at the office of Plaintiffs' counsel and to produce at that time the documents requested by Plaintiffs.

IT IS FURTHER ORDERED that the Clerk's Office is directed to serve a copy of this Memorandum and Order on Defendant Robert LaBarge at the address of service employed by the special process server.


AUDREY G.FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of January, 2014.